

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:15-cv-00465-MR-DLH**

TIMOTHY MICHAEL LULLY,

Plaintiff,

vs.

**CAROLYN W. COLVIN, Acting
Commissioner of Social Security,**

Defendant.

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 13]; the Defendant's Motion for Summary Judgment [Doc. 16]; the Magistrate Judge's Memorandum and Recommendation regarding the disposition of those motions [Doc. 18]; and the Defendant's Objections to the Memorandum and Recommendation.

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider these pending motions in the above-

captioned action and to submit to this Court a recommendation for the disposition of these motions.

On November 28, 2016, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 18] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the motions [Docs. 13 and 16]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Defendant timely filed her Objections on December 12, 2016 [Doc. 19], and the Plaintiff filed a Reply [Doc. 20] that same day.

After careful consideration of the Magistrate Judge's Memorandum and Recommendation [Doc. 18] and the Defendant's Objections thereto [Doc. 19], the Court finds that the Magistrate Judge's proposed findings of fact are correct and that his proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Defendant's Objections and accepts the Magistrate Judge's recommendation that this case be remanded for further proceedings.

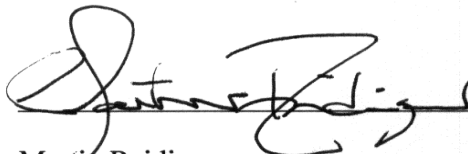
IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 18] is **ACCEPTED**; the Defendant's Objections thereto [Doc. 19] are **OVERRULED**; the Plaintiff's Motion for Summary

Judgment [Doc. 13] is **GRANTED**; the Defendant's Motion for Summary Judgment [Doc. 16] is **DENIED**; and this matter is hereby **REMANDED** for further proceedings consistent with the Magistrate Judge's Memorandum and Recommendation.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

IT IS SO ORDERED.

Signed: December 15, 2016


Martin Reidinger
United States District Judge

